BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

JOHN E. K	KELLEY)	
	Claimant)	
VS.)	
)	Docket No. 230,957
KSQ, INC.)	
	Respondent)	
AND	·)	
)	
ZURICH IN	NSURANCE COMPANY)	
	Insurance Carrier)	

ORDER

Respondent appeals from a preliminary hearing Order entered by Administrative Law Judge John D. Clark on March 24, 1998.

Issues

The sole issue on appeal is whether claimant sustained his burden of establishing he suffered accidental injury arising out of and in the course of his employment.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments, the Appeals Board concludes that the Order by Administrative Law Judge John D. Clark should be affirmed.

Claimant began experiencing flu-like symptoms, including vomiting, diarrhea, headache, and fever, at work after being moved to the foam line. He called in sick on November 2, 1997, and was hospitalized November 4, 1997. He returned to work on November 17, 1997, and on November 18, 1997, began again experiencing the headaches, diarrhea, and nausea. Claimant testified that his treating doctor, Dr. Aaron T. Watters, advised him it was likely that he was experiencing an allergic reaction to the plastic at work. Dr. Watters' records state in pertinent part as follows:

This leads me to believe that he may have an allergic reaction to the plastic. I stated that I feel like he should look for another line of work, I've told him this.

The ALJ ordered payment of medical expenses and temporary total disability benefits from November 9, 1997, through November 24, 1997, when claimant voluntarily resigned his employment. From a review of the record, the Appeals Board finds that the evidence establishes that more probably than not claimant suffered accidental injury arising out of and in the course of his employment causing the medical treatment and temporary total disability benefits for the period of November 9, 1997, through November 24, 1997.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order entered by Administrative Law Judge John D. Clark on March 24, 1998, should be, and the same is hereby, affirmed.

IT IS SO ORDERED.		
Dated this da	ay of May 1998.	
	BOARD MEMBER	

c: W. Walter Craig, Wichita, KS Wade A. Dorothy, Lenexa, KS John D. Clark, Administrative Law Judge Philip S. Harness, Director